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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,643	09/28/2000	Rajasekhar Abburi	MSFT-0179/150657.1	7451
41505	7590	04/01/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER

3621

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,643

Applicant(s)

ABBURI, RAJASEKHAR

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 82 and 84-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 82 and 84-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/28/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive. The Schull reference teaches about collecting all the information needed for the lineage analysis and associate it with customer information which would facilitate commission-payments, correlative analysis of the lineage data, etc. Col. 7, lines 15-20. Therefore, Schull does recognize that a first customer may be credited by recording the first customer information in a database for accounting purposes, where the database includes an entry for each first customer information. Schull further discloses, it might well be advantageous to offer purchasers a commission on sales derived from their own purchased copy of a given product. Col. 7, lines 30-35. Schull discloses how the genome is tracked to determine the order derivative to provide information for providing commissions to the ad hoc sales agents. Col. 7, lines 55-60.
2. The Applicant submits that the unique feature of the invention is the counting the number of times a license has been issued for the specific first customer. The Applicant further emphasizes the significance of counting and recording the counts in his amendment that adds, "incrementing the count in such entry". The Examiner submits that the reference used to teach that tracking of sales by an agent, Koppelman discloses, inherently, that each time a sales event occurs for an agent, a counter must be updated to determine when the agent has reached their quotas. Tracking sales events, as taught by Koppelman is old and well known in the art of quotas on sales.

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3. Also, the Applicant has not shown why keeping a record of how many times a first customer has been issued for the specific first customer information combination is significant and useful. It appears that regardless of the number of counts that are generated by the first customer, the credit configuration does not change. In other words, the procedure of updating the count serves no other purpose than to generate a number. It would appear that the tracking of the number of times a first customer generates a record able event serves no useful, concrete or unique purposes other than to generate the number.

4. Both Schull and Koppelman use the number of record able events by an agent to help vendors discover new markets and market strategies or determine quotas/commissions.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 90 teaches wherein crediting the identified first customer comprises crediting the first customer according to the count in the sub-entry. The Examiner submits that other than they're being a number in the sub-entry, regardless of the size/amount, the first customer would be credited. The way the claim reads it could be interpreted, as the type/amount of crediting is dependent on the size/amount of the count in the sub-entry. The Examiner request that the Applicant

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provide the page and line number in the Specification where support for the claim is provided.

6. Claims 82 and 84-97 are pending in the present application.

DETAILED ACTION

1. **Claims 82, 84-91, 93, and 96-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schull, U.S. Patent 6,266,654 (Schull), and further in view of Koppelman et al. U.S. Patent 6,662,164 [Koppelman].**

As per claims 82, 85, 88, and 96:

Schull discloses:

the licensor receiving a first license request for a first license from a first customer in connection with the content and issuing a first license in response thereto, the first customer having received a copy of the content from the retailer, the first request including retailer information associated with the corresponding piece of digital content and identifying the retailer; Col. 7, lines 1-10.

the licensor receiving a payment from the first customer in connection with the first license request. Col. 7, lines 1-10.

the licensor retrieving the retailer information from the first license request and identifying the retailer therefrom; Col. 7, lines 30-60.

the licensor crediting the identified retailer for a portion of the payment received in connection with the first license request; Col. 7, lines 30-60.

the licensor receiving a second license request for a second license from a second customer in connection with the content and issuing a second license in response thereto, the second customer having received a copy of the content from the first customer, the second request including first customer information associated with the corresponding piece of digital content and identifying the first customer; the licensor receiving a payment from the second customer in connection with the second license request; Col. 7, lines 30-60.

the licensor retrieving the first customer information from the license request and identifying the first customer therefrom; Col. 7, lines 30-60.

Schull discloses the claimed invention except for the licensor crediting the first customer for a portion of the payment received in connection with the second license request. However, Schull does disclose offering purchasers a commission on sales derived from their own purchased copy of a given product. Col. 7, lines 30-35.

Koppelman teaches that it is known in the art to provide a commission for creating sales. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the offering to purchasers a commission on sales derived from their own purchased copy of a given product of Schull with the method and apparatus for determining a commission of Koppelman, in order to provide the ability to promote sales and determine Commissions and amounts payable to sales representatives.

Schull discloses the claimed invention except for wherein crediting the first customer comprises recording the first customer information in a database for accounting purposes, the database including an entry for each first customer information, each entry including a count for counting the number of times a license has been issued for the specific first customer information combination, such recording comprising: finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present; and incrementing the count in such entry. However, Schull does disclose offering purchasers a commission on sales derived from their own purchased copy of a given product. Col. 7, lines 30-35.

Koppelman teaches that it is known in the art to provide wherein crediting the first customer comprises recording the first customer information in a database for accounting purposes, the database including an entry for each first customer information, each entry including a count for counting the number of times a license has been issued for the specific first customer information combination, such recording comprising: finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present; and incrementing the count in such entry. Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the offering to purchasers a commission on sales derived from their own purchased copy of a given product of Schull with the method

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and apparatus for determining a commission of Koppelman, in order to provide the ability to determine Commissions and amounts payable to sales representatives.

As per claims 86 and 89:

Schull discloses the claimed invention except for wherein crediting the first customer comprises recording the first customer information in a database for accounting purposes, the database including an entry for each first customer information, each entry including a count for counting the number of times a license has been issued for the specific first customer information combination, such recording comprising: finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present; and incrementing the count in such entry. However, Schull does disclose offering purchasers a commission on sales derived from their own purchased copy of a given product. Col. 7, lines 30-35.

Koppelman teaches that it is known in the art to provide wherein crediting the first customer comprises recording the first customer information in a database for accounting purposes, the database including an entry for each first customer information, each entry including a count for counting the number of times a license has been issued for the specific first customer information combination, such recording comprising: finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present; and incrementing the count in such entry. Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the offering to purchasers a commission on sales derived from their own purchased copy of a given product of Schull with the method and apparatus for determining a commission of Koppelman, in order to provide the ability to determine Commissions and amounts payable to sales representatives.

As per claims 84, 87 and 90:

Schull discloses the claimed invention except for the wherein crediting the identified first customer comprises crediting the first customer according to the count in the entry. However, Schull does disclose offering purchasers a commission on sales derived from their own purchased copy of a given product. Col. 7, lines 30-35. Koppelman teaches that it is known in the art to provide wherein crediting the identified first customer comprises crediting the first customer according to the count in the entry. Col. 7, lines 12-22.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the offering to purchasers a commission on sales derived from their own purchased copy of a given product of Schull with the method and apparatus for crediting the identified first customer comprises crediting the first customer according to the count in the entry of Koppelman, in order to provide the ability to promote sales and determine Commissions and amounts payable to sales representatives.

As per claims 91 and 93:

Schull further discloses:

wherein receiving the second license request comprises receiving the second license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier. Col. 7, lines 1-20.

As per claim 97:

Schull further discloses:

wherein the second customer is not the first customer. Col. 7, lines 30-60.

2. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schull and Koppelman as applied to claims 82-91 above, and further in view of Krishnan et al. U.S. Patent 6,073,124 [Krishnan].

Schull discloses the claimed invention except for the issuing the license to the second customer. Krishnan teaches that it is known in the art to issuing the license to the second customer. Fig. 4, Col. 9-10, lines 1-67.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vending system of Schull with the issuing the license

to the second customer of Krishnan in order for the new customer to utilize the purchased software and to prevent pirating of the software.

3. Claims 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schull and Koppelman as applied to claims 82-91 above, and further in view of Powell, U.S. Patent 2001/0032189 A1 [Powell].

4. Schull and Koppelman discloses the claimed invention except for the wherein the payment comprises a non-monetary payment. Powell teaches that it is known to have barter transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use non-monetary transactions as taught by Powell, since Powell states at Para. 0196, that not all transactions require the transfer of money from user to originator.

As per Claim 95:

Schull and Koppelman discloses the claimed invention except for wherein the payment is selected from a group consisting of earned credits, barter chits, a promise to perform a function, and combinations thereof. Powell teaches that it is known to have barter transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use earned credits, barter chits, a promise to perform a function and combinations thereof to conduct non monetary transactions as taught by Powell, since Powell states in Para. 0196,

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that not all transactions require the transfer of money from user to originator and, a user may propose to employ originator or to perform services in exchange for the right to use the originators FDI (license).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

3/28/2005



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